

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ORDER

On September 20, 2010, this Court entered an Order directing the parties to show cause on or before October 4, 2010 why Defendants Michael C. Marcato and Anne S. Marcato should not be dismissed from the case without prejudice. (Doc. # 62). Neither the Plaintiff nor any of the Defendants filed a response to that Order. Accordingly, the Defendants, Michael C. Marcato and Anne S. Marcato, having received an order of discharge in bankruptcy, it is the ORDER, JUDGMENT, and DECREE of the Court:

1. That Defendants, Michael C. Marcato and Anne S. Marcato, are hereby DISMISSED without prejudice from the above-styled case. Any party has the right to petition to reinstate this action to pursue any claim embraced herein not adjudicated in or discharged by proceedings in the bankruptcy court;
2. That such reinstatement, if and when allowed, will cause the filing date of any claim so reinstated to relate back to the original filing date of this action;

3. That any petition for reinstatement must be filed by a party within 60 days after the bankruptcy court has taken such action that entitles that party to seek reinstatement; and;
4. The Clerk of the Court is DIRECTED to mail a copy of this order to the bankruptcy court.

DONE this the 7th day of October, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE